

(b) അതിൽ എത്ര കേസുകൾക്കു ഡിപ്പാർട്ട്മെണ്ടിൽനിന്നു നടപടി നടത്തിയിട്ടുണ്ട്?

റാവു ബഹദൂർ എം. നാരായണമേനോൻ :

(a) ൭.

(b) ൭.

ROAD ACCIDENTS IN 1115 AND 1116

79. **Mr. T. A. Ramachandra Ayyar (Nellayi):** Will Government be pleased to state the number of road accidents in the State during 1115 and 1116 respectively?

Rao Bahadur M. Narayana Menon (Commissioner of Police):

1115 86

1116 117

HOSPITALS—DAILY ATTENDANCE, STAFF, IN-PATIENTS, ETC.

80. **Mr. T. A. Ramachandra Ayyar (Nellayi):** Will Government be pleased to state—

(a) the average daily attendance of out-patients in each of the hospitals in the State;

(b) the number of doctors and the number of compounders in each of the hospitals who attend to these patients;

(c) the number of in-patients in each of them?

Dr. T. Verghese (Chief Medical Officer): (a), (b) and (c) Please see the statement placed on the Council Table.

The Cochin Agricultural Improvement Loans Act (Amendment) Bill

Mr. President: The Diwan Peishkar will introduce the Cochin Agricultural Improvement Loans Act (Amendment) Bill.

Mr. A. Madhava Prabhu (Diwan Peishkar): Mr. President, Sir, I beg to move that the Cochin Agricultural Improvement Loans Act (Amendment) Bill* be read in Council. In doing so I request that Standing Order No. 31 may be suspended for the reason that we have not been able to publish it sufficiently early. The Standing Order requires 7 days' previous publication before the Bill can be read in the Council. The publication came only in the last Gazette. There was no Gazette in the previous week.

*Appendix III.

Mr. M. Sivarama Menon (*Advocate-General*): Nobody objected, then why do you move to suspend the S. O.?

Mr. A. Madhava Prabhu (*Diwan Peishkar*): Yes, nobody objected. I thought I should explain.

The chief reason why we want this amendment to be made is that there is a doubt as to whether the existing law is sufficient to protect the loans that we give under the new cyclone relief scheme to the agriculturists, and to give them priority over the other encumbrances that at present exist on the properties. This is only with reference to the items of properties which are to be improved out of the loans that we give. Section 6 at present does give according to me, the prior charge that we want. But a doubt has arisen on account of some conflicting decisions of courts as to whether that is a correct interpretation. Judges and courts have differed in that interpretation and it is possible to quibble and then come to the conclusion against the Government. We do not therefore want to take the risk and have our High Court ruling against our getting a charge after the existing charges. We are now going to give 4 lakhs of rupees by way of loans. One lakh under the scheme of giving 50 rupees for house construction, then another lakh to give loans up to Rs. 100 by way of small agricultural loans and 2 lakhs for loans over Rs. 100. We do not want to take a risk in giving these loans and that is why we have come before this House with this amendment. The principle of this Bill was accepted by the Hon'ble Member for Pazhayannur when he made his speech during the last budget session here.

When we made certain enquiries as to how we can help agriculturists who are badly hit in Pazhayannur Firkah, we found that most of the lands there had been damaged by the cyclone and that the owners of these lands had already encumbered their properties to other persons. The persons to whom those properties were encumbered wanted to take advantage of this situation and to knock off those properties for a trifle. The properties were damaged and their value therefore went down. The *pattadars* or the persons in possession of these properties were not in a position to raise loans to improve those properties so that they may make them cultivable again. The persons to whom the properties were encumbered, when they were approached for advancing some loan, refused to help. The consequence would have been that these persons would have to part with their lands to their mortgagees for any amount they are prepared to offer or to leave the lands fallow. That is a typical instance which I am placing before this House. At that time we thought that some device must be found for this purpose. I looked

into the Act and found that so far as the loans which were going to be given were concerned, there was this difficulty. A reference was therefore made to the Government. The opinion of the Advocate General was then taken, with regard to this matter, in the light of the varied decisions of Courts. The decisions of the different Courts differed. Therefore we have now thought that it is necessary to safeguard our interest to be above all doubt in this matter and it is with that object that we have now introduced this Bill.

Mr. M. Sivarama Menon (*Advocate-General*): Sir, I beg to second this motion. This is purely a drafting amendment. Section 6 of the Cochin Agricultural Improvement Loans Act is identical with section 7 of the Land Improvement Loans Act, XXIX of 1883. A Division Bench of the High Court of Madras has held in 41 Madras, 691, that a loan advanced under the Land Improvement Loans Act is a first charge on the land for the improvement of which the loan was advanced and that a sale of land under the section is free of all encumbrances. This is the leading case on the scope of this section, and the High Courts of Bombay, Allahabad and Nagpur have followed this decision without discussion of the principle involved. A Full Bench of the High Court of Travancore had to consider this question in the case reported in 28 T. L. J., 185, and a contrary view was taken in that case. The decision, no doubt, mainly turned upon the official declaration made by the Law Member when he introduced the Bill in the Legislative Council that "the proviso was added with a view to making it clear that any loans raised under the Act will not affect any interest in the land which existed before the date of the order granting the loan and that the interests of prior mortgage-holders have been thus safeguarded". This declaration of the intention of the legislature was held to be not clearly inconsistent with the wording of the proviso and this aspect has been hinted at in the concurring judgement of Justice Sankarasubba Ayyar. I feel no doubt in my mind that the Travancore decision, if accepted, will render the proviso purposeless. The language of the Travancore Regulation is also similar to the Cochin and British Acts. But even in 41 Madras, 691, it has been observed by Justice Aiyling that "It cannot be said that the words of the main part of the section read so clearly in the appellant's favour as not to be at any rate ambiguous". Justice Seshagiri Ayyar also agreed with the proposition that the term 'as if they were arrears of land revenue' would *prima facie* only attract the procedure prescribed in the Revenue Recovery Act and not the substantial declaration of a prior charge. But he held that in the light of the proviso and the words employed in clause (d) the section amounted

to a declaration of priority. It is clear therefore that the language of the section is open to further improvement.

A proviso is generally used only to create an exception. It must take out of the earlier part of the section something which, but for it, would be within the section. This is the general principle. They do not give affirmative rights except by necessary implication. The proviso as it stands may lend colour to the contention that it enlarges the scope of the section and that it is not a limitation on the substantive provision.

The High Court of Cochin had no occasion to interpret this section and it is quite possible that on the analogy of the British Indian decisions, our High Court may likewise hold that Government have got priority in the case of agricultural loans granted for the improvement of the property mortgaged to Government.

Mr. A. B. Salem (*Mattancheri*): Suppose a mortgage exists on a property. You want to make this also a paramount charge. Will this come after the existing mortgage or not?

Mr. M. Sivarama Menon (*Advocate-General*): The existing law is that the loans granted by Government will have priority over all existing mortgages. This is the intention of the legislature. There can be no doubt about that in view of the several decisions on the point and the nature of the Act itself.

As I have already said, the case reported in 41 Madras 691, is definite on the point. It is only in view of the dissenting note struck by the High Court of Travancore and the observations made by the two learned Judges of the High Court of Madras who took part in 41 Madras 691, that Government propose to move this drafting amendment in order that there may be a clear declaration of the prior charge in favour of the Government. There is no intention to depart from the law as it stands now. The basis of this law is that the money advanced from the general exchequer goes to the improvement of the property and that therefore mortgagees also get the benefit of this loan either by enhancing their security or preserving it.

Mr. E. Ikkanda Warriar (*Cheruthuruthi*): Sir, in the actual working of the Act, I think, you see that the amount is spent for the purpose for which it was granted.

Mr. M. Sivarama Menon (*Advocate-General*): Yes.

Mr. A. Madhava Prabhu (*Diwan Peishkar*): We don't want to give our money to enhance the interests of the mortgagees, with this amount.

*മിസ്റ്റർ ടി. കെ. നായർ: സർ, ഈ കഴിഞ്ഞ ബഡ്ജറ്റ് സമ്മേളനത്തിൽ ഈ വിഷയത്തെപ്പറ്റി ഞാൻ നിയമസഭയുടെ മുമ്പിൽ ചിലസംഗതികൾ അവതരിപ്പിക്കുകയുണ്ടായി. ഇപ്പോൾ ഈ ബില്ലിൽ എന്റെ മാനുസ്ക്രിപ്റ്റ് നോട്ടിൽ ചിലക്കു അഭിപ്രായവ്യത്യാസമുള്ളതായിട്ട് എനിക്കു തോന്നുന്നു. പ്രത്യേകിച്ചു മിസ്റ്റർ സി. ആർ. ഇയ്യപ്പിള്ളി ഇതിൽ ഒരു സംശയം തോന്നുന്നുണ്ട്.

An Hon'ble Member: Can't you speak in English so that the Diwan may understand your speech.

Mr. T. K. Nayar (Pazhayannur): Yes. Sir, I explained my position in the budget session of 1116. In my constituency more than 20 thousand *paras* worth paddy fields have been damaged by the recent cyclone. Myself and the Diwan Peishkar inspected the locality and found out that the owners of these lands were unable to do anything to improve their lands. It was physically impossible for them to do any improvement in the land. I explained their incapacity to the Diwan Peishkar. I also explained their real position to the Diwan Peishkar. We were in a dilemma. Government were prepared to grant any amount, provided there is sufficient security as required by the Agricultural Improvements Loans Act. But that amount has got only a second charge, because there is no law, *i.e.* the Government will get only a second charge. Almost all these lands were already mortgaged to one person or other. So the Diwan Peishkar naturally told me that the position of the Government is very plain, because we will be able to advance them only something, about Rs. 100 or so. Then I told the Diwan Peishkar that there is no use of wasting Rs. 100. Because he must be able to improve the land with the money advanced by the Government. Suppose there is a mortgage on a property. Suppose I am the mortgagee. I have invested Rs. 10,000 on that property. That is lying waste now. The owners can do nothing there. My amount is gone. If the Government interferes and invests some two or three thousand rupees the land can be reclaimed. Government will get back the amount advanced. I will get my Rs. 10,000 also. But if I am a Shylock I could do one thing. I can ask the mortgager to sell the land to me. I will say to him: "I will give you Rs. 500 more. Why, you can do nothing now? You owe me Rs. 10,000. I will give you Rs. 500 more". There is nobody to help the land owner. There is no amount to be advanced to him. He is completely helpless. The Revenue Department wants the land-tax. Somehow or other the helpless land-owner naturally wishes to part with the land for this paltry sum of Rs. 500. Perhaps that land may fetch Rs. 50,000 if the Government advance Rs. 2,000 or 3,000. Sometimes that land may fetch even more. So I requested the

*Speech not corrected by the hon'ble member.

Diwan Peishkar to move the Government to introduce a Bill whereby any amount advanced by Government will get the first charge over all mortgages and all the existing mortgages. My plea is this. Government will never advance money without going into the merits of the question. If they find that there is dire necessity for this advance then only they will advance. So we can completely repose trust in the Government. If the Government really advance this amount, it will be for a good purpose. It will be in the interests of the mortgager, it will be in the interest of the mortgagee and it will be in the interests of the people at large. That is my position. So I wholeheartedly support this Bill and thank the Government for having introduced this measure.

I would also request the Government to pass the measure immediately and see that something is done to these poor agriculturists at the earliest opportunity. I may remind also the hon'ble members here that for want of this one Bill Government was unable to do anything till now. They have not advanced a single pie to these land owners, simply because they have not got a first charge for their advance. Hence I request the hon'ble members of this House to pass this Bill immediately.

Mr. V. J. Mathai (Planters): Sir, Mr. T. K. Nayar has pointed out to us the danger from the Scylla completely ignoring the Charybdis. He said that unless a first charge is given no loans can be issued ignoring the fact that mortgages already subsisting will be affected adversely. We are all assuming that the monies to be given will be used by all land-owners for the exact purpose of improving their lands. That is a false assumption. Suppose by some chance or other, on property "A" a thousand rupees is advanced by the Government, we cannot expect the Diwan Peishkar to go and see as to whether the money is actually used for the cultivation and the improvement of the land.

Mr. T. K. Nayar (Pazhayannur): They say they would see to it.

Mr. A. Madhava Prabhu (Diwan Peishkar): By way of explanation I may say that so far as the loans under the cyclone relief scheme is concerned, we are asking every one of the applicants to submit to us a list of the various items of work which they want to do, giving particulars as to the length, breadth and depth of the silt to be removed or the bund to be constructed and such other details. We also go and inspect the place and see whether the amount asked for is actually necessary for the said purpose. It is only after that that we give the loan necessary for that purpose. Not a single pie is given before detailed investigation is made. Unlike the agricultural loans

which sometimes used to be given for the purpose of paying off existing debts, here I am extremely particular that the loan given is used for the purpose of improving the land. Unless my subordinates visit the place and submit their reports, I do not lend a pie. Further what is proposed to be given is also given in instalments. Unless the first instalment is used properly, I have issued orders to the effect that the second instalment should not be given. I am taking precaution to the greatest possible extent.

Mr. V. J. Mathai (Planters): We have heard from the Hon'ble Revenue Member that he gives money only if there is real necessity....

Mr. A. Madhava Prabhu (Diwan Peishkar): We give by instalments. Therefore we can know whether any portion is used for any other purpose.

Mr. V. J. Mathai (Planters): We know as a matter of fact that it will not be possible for the Government to keep a control over this matter. We know how the amounts advanced for house construction purposes are not required for that particular purpose and how many such false cases have come to the notice of the Diwan Peishkar himself. I know as a matter of fact that many persons have submitted false lists to the Diwan Peishkar and got loans from him. Many have been punished for submitting false lists. The whole difficulty is that the Cochin State is 1,500 square miles in area and the Diwan Peishkar is only one person. Even with the utmost resources of the Revenue Department it will be impossible to see whether the money that is given by way of loans in particular cases has been utilised for that particular purpose. My whole point is this. Suppose on a property A, B and C had advanced two or three thousand rupees on mortgages. Further amounts realisable under the Revenue Recovery Act are also a charge on the property. I think I appeared in 28 Cochin. What really happened there was under the vague term of the section it was found that all amounts to be recovered by the Government under the Revenue Recovery Act would also get precedence over the other charges. That was a case where a creditor suffered. In that case the High Court by some sort of juggling came to the conclusion.....

Mr. President: The remark "juggling" that you used with reference to the High Court is not in order.

Mr. V. J. Mathai (Planters): I am sorry, Sir, for the remark. I never meant anything against the High Court at all. What I said was there is defect in the section. The point is that arrears of land revenue will remain a first charge, under the Revenue Recovery Act. Now we are introducing this loan as a second charge. It comes to

that. Therefore those persons who have advanced money on the security of the property will necessarily by the explicit provision of the section of the Bill take the 3rd, 4th or 6th place. We are introducing a new charge between land revenue, arrears of revenue and other charges. Now the whole difficulty lies in this. If the monies are not applied for the improvement of the property, if they are diverted for some "private necessities" of the individual, then, the monies have gone from the Government to the detriment of the other people. Such a difficulty is to be guarded against. I do not say that there is not necessity for these loans. Mr. T. K. Nayar's argument is very clear. Unless you advance this money, the properties cannot be improved and brought to their original position at all. That means a national calamity. That is the scylla. But you should consider the other side also. You have to take into consideration the character of the people also. They may not use the money for improving the properties unless some safe-guards are made.

***Mr. A. V. Moothedan (Chalakkudi):** Sir, I beg to support this Bill. To my humble mind there is no scylla in this. The object of this Bill was clearly explained by the Honourable Revenue Member and the Advocate-General. What is that object? Suppose a property has deteriorated after cyclone. Suppose there is a mortgage of one thousand rupees on the property. At the time of the mortgage the property would cost more than that. As a result of the cyclone the property has gone down in value. And the present worth of the property may be only Rs. 500. Now Government is going to grant a loan for the improvement of that land and as a result of that improvement the market value goes up and becomes Rs. 1,500. How is the mortgagee affected by that? His position has improved. That is the result. According to the general law of mortgages also the mortgagee has a right to improve the land. If he wants the first charge, let him advance the money to the mortgager so that the land may be improved. Now the Government comes forward to advance the money for the improvement of the land and they say that for such advances they must have the first charge. I think it is quite equitable and would be in the interests of the people that the Government should advance the money. Therefore, I support this Bill.

Mr. K. Kochukunhan Kaimal (Vadakkancheri): Sir, the practical side of the question regarding the utilisation of the funds for the purposes for which they are granted has now clearly been explained by my friend Mr. Mathai. I am seriously of opinion that

*Speech not corrected by the hon'ble member.

in spite of the machinery and in spite of the anxiety which the present Diwan Peishkar may evince in the matter of doling out of these loans, it may become practically impossible to control whether the money is utilised for the purpose for which it was granted. It is not unlikely that a very large number of loans may have to be issued under this Act. It may not be possible to control the proper spending of these loans by any reasonable machinery of the Government. So there is no proper safe-guard as to how this amount is going to be utilised by the respective borrowers. That is one side of the question.

Another aspect to which Mr. Mathai has not referred to is this. The mover has not also referred to that aspect. Priority is given, no doubt, for the land revenue payable to the Government. There are a good number of lands now sought to be improved by these loans certainly coming under *kanam* demises from the various landholders. Under the Tenancy Act or the *Jenmi Kudiyan* Act the arrears of *michavaram* and tax payable to the *jenmi* are the first charge upon the property. Now suppose after the revenue dues priority is given to these amounts even in spite of other encumbrances advanced. My submission is that it will work very hard upon the land-owners who may even go without realising the arrears of *michavaram*. Suppose after issuing this loan a default is made by the borrower in the matter of payment of instalments to the Government and he makes a default all these years in respect of the arrears of *michavaram* also. Now the Government will sell the land free of all encumbrances and *jenmi* as a result will go without any remedy. So my submission is that priority should be given to the arrears of *michavaram* and tax payable to the *jenmi*. So far as *kanam* lands are concerned there is another disadvantage. There the payment of tax to the *jenmi* is now construed to be part of the arrears of *michavaram* and not land revenue as such, so that the whole dues recoverable or due to the *jenmi* includes arrears of *michavaram* as well as the tax also. While the *jenmi* will have to pay the tax to the Government he has to realise it from the tenant, which is now interpreted to be part of the arrears of *michavaram* payable to the *jenmi*. The *jenmi* will have to pay the tax to the Government and he will not be in turn in a position to realise even the tax he has to pay to the Government. The position of the *jenmi* will thereby be very much hit by giving priority to the proposed loans. I am perfectly in agreement with the granting of the loans but what I submit is it should not affect the other classes who are seriously going to be affected by this Bill.

So my submission is that certain safeguards should be made so as to give priority to the parties upon the amounts payable to the *jenmi*. I think this is the aspect of the question as has been adverted to in introducing this amendment. Further, of course the interest may be very little. After receiving the money he may use money for other purposes or for the improvement of the land. There are mortgagees. In the payment of the instalment to the Government the borrower himself suffer and the Government alone benefit. The *jenmi* has absolutely no control. He cannot recover or realise the arrears even though it may extend for a number of years. The money due to the Government will get priority and that the *jenmi* will get no remedy. My submission is that this aspect of the question should be considered before giving priority.

Mr. E. Ikkanda Warriar (*Cheruthuruthi*): Sir, I wish to support this Bill. Any amount of difficulties can be imagined. But we have also a duty to see that we help the really needy people. I think that these apprehensions arose out of the haphazard way in which formerly agricultural loans were given. But I understand that Government have framed special rules and are now insisting upon the loan amount being spent on the property.

Mr. V. K. Bhaskara Menon (*Cranganur*): How they can do it?

Mr. E. Ikkanda Warriar (*Cheruthuruthi*): As I understand them what they do is this. They conduct a preliminary inquiry to see whether there is any necessity for the loan. Suppose the amount actually required is Rs. 500, it will be paid only in instalments. It is only after they are satisfied that the first instalment was spent on the property and the property has been improved, that they give further instalments. This practice can be adopted by the Government in a more stringent manner in this case. So far as the difficulties of the *jenmi*, imagined by the Hon'ble Member for Vadakkancheri is concerned I can only say that the *jenmi* gets the next charge. No doubt the Government gets the paramount charge. But the *jenmi* gets the advantage of the property being improved. According to the Tenancy Act he gets the first charge. In this case the Government takes the first charge. The Government will sell the property for a reasonable price and the balance will go to pay off the *jenmi* as the next charge holder.

Mr. K. Kochukunhan Kaimal (*Vadakkancheri*): Then there must be a proviso that the charge given under the *Jenmi Kudiyan* Act is still retained.

Mr. M. Sivarama Menon (*Advocate-General*): There is no necessity for it. You will be entitled to the entire money after

paying the Government. It is not intended by the Government that anything injurious to the interests of the *jenmi* should be done. This amount is advanced for the protection of the property. It is only if the property exists that they can get the *michavaram*. The Government are advancing funds from the general exchequer for the purpose of protecting the land of the *jenmi*. I was fully confident that the *jenmis* would welcome this.

Mr. E. Ikkanda Warriar (*Cheruthuruthi*): I wish to conclude, Sir, by saying that even if we can find a few persons who will abuse the help rendered we must support this measure in the interests of the larger number of people who are really going to be benefited. I request this House to whole-heartedly support this motion.

Mr. V. J. Mathai (*Planters*): Suppose the first instalment is not spent upon the property?

Mr. T. K. Nayar (*Pazhayannur*): We will have to take the risk.

***Mr. C. R. Iyyunni** (*Trichur-South*): I would like to bring to the notice of this Council one fact which will seriously prejudice the interests of the mortgagee. That fact is, if without his knowledge or approval amount was given, say by instalments, the difficulty will be he may be entirely in the dark with regard to the encumbrance that has been created on the property to the Government, and the property may be sold away. What I wish to bring to the notice of the Council is, if before the loan is granted some information is given to the mortgagee or mortgagees and the *jenmi* that such and such amount is going to be granted to a particular owner of the land, then they can also see how the money that is going to be granted by the Government is utilised. I think that will clear the ground very much. There is always difficulty so far as the *jenmi* is concerned. If the loan is granted with his knowledge it is quite likely that the *jenmi* will see that the money is utilised for the purpose for which it is granted. If some such provision is made, in that behalf, I think, much of the difficulty that is under contemplation in the minds of the members of the Council will be got rid of.

Mr. M. Sivarama Menon (*Advocate-General*): Section 9 of the Act contains adequate provisions for framing the necessary rules by the Government. The rules now provide for notification of the application in the Gazette. A Gazette notification is no doubt not a direct notice. The point will be further considered and the rules modified to ensure notice to the mortgagees.

*Speech not corrected by the hon'ble member.

Mr. C. R. Iyyunni (*Trichur-South*): Before money is disbursed to the holder of the property there must be a notification in the Gazette so that the other people may take objection or raise complaints, if any.

Mr. M. Sivarama Menon (*Advocate-General*): What I am saying is that the Government should not have the duty of going out to find out the several mortgagees of the property.

Mrs. Thankamma N. Menon (*Ernakulam-Women*): Notification in the Gazette alone will not be enough. Most of the people will not be reading the Gazette.

Mr. M. Sivarama Menon (*Advocate-General*): Suppose one mortgagee is in Burma or far off Siam, do you mean to say that the Government should send notice to him? It may cause great delay.

Motion put and carried

Secretary to the Council: The title of the Bill is the Cochin Agricultural Improvement Loans Act (Amendment) Bill.

Mr. A. Madhava Prabhu (*Diwan Peishkar*): I beg to move that the President may be pleased to suspend the operation of S. O. 32.

Mr. President: The Standing Order is suspended.

Mr. A. Madhava Prabhu (*Diwan Peishkar*): I beg to move that the Bill may be taken up for consideration immediately.

Mr. M. Sivarama Menon (*Advocate-General*): I second it.

Clauses 2 and 3 put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. A. Madhava Prabhu (*Diwan Peishkar*): I beg to move that the Bill may be taken up and finally passed tomorrow.

Mr. M. Sivarama Menon (*Advocate-General*): I beg to second it.

Motion put and carried

The Cochin Tobacco Act Amendment Bill

Mr. M. Raman Menon (*Commissioner of Excise*): Sir, I beg to introduce the Cochin Tobacco Act Amendment Bill*. The necessity for the amendment is this. In the Act as it now stands there is no provision to admit to bail persons arrested under section 12 of the Act. Nor does the Act as it now stands contain any provision to empower the department to release an accused person even

*Appendix IV.

APPENDIX III
THE COCHIN AGRICULTURAL IMPROVEMENT
LOANS ACT (AMENDMENT) BILL

Preamble. WHEREAS it is deemed expedient to amend the Cochin Agricultural Improvement Loans Act, IV of 1093, it is hereby enacted as follows.—

Short title and commencement. 1. This Act may be called the Cochin Agricultural Improvement Loans (Amendment) Act of 111 and shall come into force at once.

Addition of a new section. 2. After section 5 of the Cochin Agricultural Improvement Loans Act, IV of 1093, hereinafter referred to as the Act, the following section shall be added:

Loans to be paramount charge on the land. “5-A. All loans granted under this Act, all interest (if any) chargeable thereon and the costs (if any) incurred in making or recovering the same shall be the paramount charge on the land for the benefit of which the loan has been granted:

Provided that the charge hereby created shall always be subject to the charge for arrears of land revenue in respect of that land under section 3 of the Cochin Revenue Recovery Act, IV of 1083.”

3. In section 6 of the Act—

(1) in sub-section (1)—

(a) the word “and” occurring at the end of clause (c) shall be deleted;

(b) the word “and” shall be added at the end of clause (d);

(c) the following clause shall be inserted as clause (e):

“(e) out of the interest of the person with whose consent the loan has been granted under sub-section (1) of section 3 and of mortgagees of or persons having charges on that interest by the sale of or by the placing on *naduppattom* of that interest”; and

(d) the proviso shall be deleted;

(2) sub-sections (2) and (3) shall be re-numbered as sub-sections (3) and (4) and the following inserted as sub-section (2):

“(2) All sales of land under clauses (c) and (e) of sub-section (1) shall be free of all encumbrances.”

APPENDIX IV

THE COCHIN TOBACCO ACT (AMENDMENT) BILL

WHEREAS it is expedient further to amend the Cochin Tobacco Act, VII of 1084; It is hereby enacted as follows.— Preamble.

1. This Act may be called the Cochin Tobacco (Amendment) Act III of 1117 and it shall come into force on such date as Government may, by notification in the Cochin Government Gazette, appoint. Short title and commencement.

2. In section 3 of the Cochin Tobacco Act, VII of 1084, hereinafter referred to as the Act, clauses (a) to (e) shall be re-lettered as clauses (c) to (g) and the following shall be inserted as clauses (a) and (b).— Amendment of section 3.

“(a) ‘Commissioner’ means the Commissioner of Excise, Cochin State.

(b) ‘Cultivation’ includes the tending or protecting of a plant during growth, and does not necessarily imply raising from seed.”

3. In section 5 of the Act, the words “after previous publication” shall be deleted. Amendment of section 5.

4. In sub-section (1) of section 8 of the Act, for the words “the tobacco,” the word “anything” shall be substituted. Amendment of section 8.

5. In section 11 of the Act— Amendment of section 11.

(1) for the words “Salt, Police, Land Revenue, Abkari or Customs Departments,” wherever they occur, the words “Excise, Police, Land Revenue or Customs Department” shall be substituted.

(2) for the words “Inspector of Excise Revenue,” the words “Sub-Inspector of Excise” shall be substituted.